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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/773,883  
Filing Date: January 31, 2001  
Appellant(s): CARPENTER ET AL.

\_\_\_\_\_  
Mr. Brian E. Mack  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 05 October 2007 appealing from the Office action  
mailed 18 October 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

2002/0026638	ELDERING et al.	2-2002
5,815,145	MATTHEWS, III	9-1998
6,025,837	MATTHEWS, III et al.	2-2000
5,585,838	LAWLER et al.	12-1996
6,295,646	GOLDSCHMIDT IKI et al.	9-2001

“Focus Highlight for World Wide Web Frames”, IBM Technical Disclosure Bulletin,  
November 1997, Vol 40, Issue 11, pg. 89-90.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 66-68, 76-78, 86, 87, 89, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al. (US Pub No. 2002/0026638 A1), in view of the “IBM Technical Disclosure Bulletin” (of record), in view of Matthews, III (US Pat No. 5,815,145), and in further view of Matthews, III et al. (US Pat No. 6,025,837).

Regarding claim 66, the Eldering et al. reference discloses a “method for using an interactive application” such as an EPG “on a display screen top access content” (Figure 1). In particular, as illustrated in Figure 1, the EPG comprises a region associated with advertisements [103/105/107] comprising a number of ‘cells’ and a region corresponding to program/channel listings [101] (Para. [0032]). The reference teaches that the particular

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regions, as would be understood by persons of skill in the art of Web page design and implementation, are delineated by frames (Para. [0040]). Accordingly, the reference generally provides for an EPG comprising a number of regions (ex. advertising region [103/105/107] and program listing region [101]) delineated by frames, but is generally silent with respect to the particular composition and ability to navigate between regions.

In an analogous art related to interactive television and in particular problems associated with display interfaces, the IBM article discloses that it is desirable to “display a region highlight that surrounds . . . [a] region” of a web-page and to “allow [a] user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight” given that the reference merely teaches the particular highlighting of a particular frame upon which has input focus.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Eldering et al. EPG interface [100] so to “display a region highlight that surrounds . . . [a] region” such as that associated with either the advertisements [103/105/107] or the program/channel listings [101] and to “allow [a] user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight” for the purpose of providing feedback to the user as to which frame/region within the interface has input focus. Subsequently, the combined references provide for an electronic programming guide comprising a number of frames/regions in which upon navigating to a particular region a highlight border is provided around the frame that has focus in order to show the

boundaries of the frame. The combination, however, is silent with respect to further details associated with the program/channel listings [101] as claimed.

In an analogous art pertaining to interactive user interfaces and in particular electronic programming guides the Matthews, III reference discloses a “method for using an interactive application” or program guide on a “display screen” [18] to access content. As illustrated in Figure 4, the method comprises “providing at least two cells” [104] on a “display screen” [18] wherein “each of the at least two cells is operable to be associated with a television channel and is operable to display, within the cell, video content being broadcast on the television channel”. As illustrated, the program/channel listings comprise “grouping . . . at least two cells into a region” wherein “in response to a user selection of the region . . . displaying a cell highlight” [108] “around a cell in the selected region” such that the “user [is allowed] to navigate the cell highlight to each of the cells in the selected region, wherein only the cell that is surrounded by the cell highlight is in focus” (Figure 5; Col 4, Line 44 – Col 5, Line 46). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to utilize the program listing teachings of Matthews, III so as to “provide at least two cells on a display screen, wherein each of the at least two cells is operable to be associated with a television channel and is operable to display, within the cell, video content being broadcast on the television channel; . . . grouping the at least two cells into a region; displaying a region highlight that surrounds the cells in the region; allowing a user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight; and in

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response to a user selection of the region surrounded by the region highlight; displaying a cell highlight around a cell in the selected region; allowing the user to navigate the cell highlight to each of the cells in the selected region, wherein only the cell that is surrounded by the cell highlight is in focus” for the purpose of taking advantage of the graphics-based nature of IT systems in association with the presentation of program guide services (Matthews, III: Col 1, Lines 61 – Col 2, Line 3). The combination of references is silent with respect to “notifying a user of the availability of interactive content” that the user is subsequently able to access.

In an analogous art pertaining to interactive television applications, Figures 5 and 6 of the Matthews, III et al. reference discloses “for each of the at least one of the cells that is associated with a television channel, displaying an indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cell” and “for a cell which an indicator is displayed and which is in focus, allowing a user to access the interactive content associated with the television channel associated with the cell” (Col 9, Line 1 – Col 10, Line 37; Col 10, Line 56 – Col 11, Line 21). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the electronic programming guide or ‘interactive application’ to further “display an indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cells” and to further “allow a user to access the interactive content associated with the television channel associated with the cell” for the purpose of advantageously provide a

means by which to integrate supplemental content within the program guide for easy access (Matthews, III et al.: Col 4, Lines 17-24 and 59-65).

Regarding claim 76, the Eldering et al. reference discloses a “system for accessing content through an interactive application” such as an EPG. As illustrated in Figure 2, the system comprises a “display screen” or television (Para. [0060]), a “communication link configured to access content” [202/232] (Para. [0052], [0053], and [0061]), and a “processor” [204] that controls the operation of the system (Para. [0053]). In particular, as illustrated in Figure 1, the “processor” is operable to ‘instruct the display screen to display’ an EPG comprising a region associated with advertisements [103/105/107] consisting of a number of ‘cells’ and a region corresponding to program/channel listings [101] (Para. [0032]). The reference teaches that the particular regions, as would be understood by persons of skill in the art of Web page design and implementation, are delineated by frames (Para. [0040]). Accordingly, the reference generally provides for an EPG comprising a number of regions (ex. advertising region [103/105/107] and program listing region [101]) delineated by frames, but is generally silent with respect to the particular composition and ability to navigate between regions.

In an analogous art related to interactive television and in particular problems associated with display interfaces, the IBM article discloses that it is desirable to “instruct [a] display screen to display a region highlight that surrounds . . . [a] region” of a web-page and to “allow [a] user to navigate a region highlight to the region, wherein no cell highlight appears on the display screen while the user is navigating the region highlight” given that the reference merely teaches the particular highlighting of a particular frame



upon which has input focus. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Eldering et al. “processor” [204] to “instruct the display screen to display a region highlight that surrounds . . . [a] region” such as that associated with either the advertisements [103/105/107] or the program/channel listings [101] and to “allow [a] user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight” for the purpose of providing feedback to the user as to which frame/region within the interface has input focus. Subsequently, the combined references provide for an electronic programming guide comprising a number of frames/regions in which upon navigating to a particular region a highlight border is provided around the frame that has focus in order to show the boundaries of the frame. The combination, however, is silent with respect to further details associated with the program/channel listings [101] as claimed.

In an analogous art pertaining to interactive user interfaces and in particular electronic programming guides, the Matthews, III reference similarly discloses a “display screen” [18] and a “processor” [58] (Figure 2; Col 7, Line 7 – Col 8, Line 14). As illustrated in Figure 4, the “processor” [58] is configured to “instruct the display screen to display at least two cells” [104] “that are each operable to be associated with a television channel, wherein each of the cells is operable to display, within the cell, video content being broadcast on the television channel”. As illustrated, the program/channel listings comprise “group[ing] . . . at least two cells into a region” wherein “in response to a user selection of the region . . . displaying a cell highlight” [108] “around a cell in the selected

region” such that the “user [is allowed] to navigate the cell highlight to each of the cells in the selected region, wherein only the cell that is surrounded by the cell highlight is in focus” (Figure 5; Col 4, Line 44 – Col 5, Line 46). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined references to utilize the program listing teachings of Matthews, III such that the “processor [is] configured to instruct the display screen to display at least two cells that are each operable to be associated with a television channel, wherein each of the cells is operable to display, within the cell, video content being broadcast on the television channel; . . . group[ing] the at least two cells into a region; instruct[ing] the display screen to display a region highlight that surrounds the cells in the region; allow[ing] a user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight; and in response to a user selection of the region surrounded by the region highlight; instruct[ing] the display screen to display a cell highlight around a cell in the selected region; [and] allow[ing] the user to navigate the cell highlight to each of the cells in the selected region, wherein only the cell that is surrounded by the cell highlight is in focus” for the purpose of taking advantage of the graphics-based nature of IT systems in association with the presentation of program guide services (Matthews, III: Col 1, Lines 61 – Col 2, Line 3). The combination of references is silent with respect to “notifying a user of the availability of interactive content” that the user is subsequently able to access.

In an analogous art pertaining to interactive television applications, Figures 5 and 6 of the Matthews, III et al. reference discloses a “processor” [92] that is “configured” such

that “for each of the at least one of the cells that is associated with a television channel, [the display screen is] instructed . . . to display an indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cell” and “for a cell which an indicator is displayed and which is in focus, [the user is] allow[ed] . . . to access the interactive content associated with the television channel associated with the cell” (Col 9, Line 1 – Col 10, Line 37; Col 10, Line 56 – Col 11, Line 21). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Eldering “processor” [202] to further “display an indicator which notifies a user of the availability of interactive content associated with the television channel associated with the cells” and to further “allow a user to access the interactive content associated with the television channel associated with the cell” for the purpose of advantageously provide a means by which to integrate supplemental content within the program guide for easy access (Matthews, III et al.: Col 4, Lines 17-24 and 59-65).

Claims 67 and 77 are rejected wherein the “indicator is displayed in at least one of: the cell having an associated television channel for which interactive content is available, and an area in close proximity to that cell” (Matthews, III et al.: Figure 5).

Claims 68 and 78 are rejected wherein “for each cell that is associated with a television channel and which is not in focus, displaying in the cell a graphical landmark of the television channel associated with the cell; and if the cell in focus is associated with a television channel, displaying in the cell video content being broadcast on the television channel” (Matthews, III: Col 4, Lines 56-61; Col 5, Lines 23-36).

Claims 86 and 89 is rejected in light of the aforementioned combination of references wherein the “region” [101] comprises “at least one cell associated with a television channel” (Matthews, III: Figure 4; Col 4, Lines 44-55). Figure 1 of Eldering et al. further illustrates “providing a second region” or advertising region [103/105/107] that “includes the at least one cell associated with a non-television entity” or website derived advertisement (Para. [0046]).

Claims 87 and 90 are rejected in light of the aforementioned combination of references. As previously discussed, Figure 1 of Eldering et al. further “provides at least one advertisement cell” [103/105/107] “on the display screen, wherein the advertisement cell is distinct from the at least two cells” by virtue of their on-screen arrangement, content, etc.. The “at least one advertisement cell” is logically “grouped . . . into a second region” corresponding to a separate frame such that “[the user is] allowed . . . to navigate the region highlight to the second region” as taught by the IBM technical disclosure for the purpose of providing feedback to the user as to which frame/region (ex. program listing region or advertising region) within the interface has input focus.

2. Claims 69-71, 79-81, 88, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al. (US Pub No. 2002/0026638 A1), in view of the “IBM Technical Disclosure Bulletin” (of record), in view of Matthews, III (US Pat No. 5,815,145), in view of Matthews, III et al. (US Pat No. 6,025,837), and in further view of Lawler et al. (US Pat No. 5,585,838).

In consideration of claims 69 and 79, the combined references are silent with respect to further “displaying an option indicator” as claimed. In an analogous art pertaining to

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interactive television applications, the Lawler et al. reference discloses “displaying an option indicator which notifies a user of at least one option corresponding to the television channel associated with the cell; and for a cell which is in focus, allowing a user to select one of the at the least one option” (Col 13, Line 53 – Col 14, Line 48). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references so as to “display an option indicator” for the common knowledge advantage of providing a simplified means by which the user can identify desired programs and services and to perform actions related to those programs (Lawler et al.: Col 1, Lines 26-33).

Claims 70 and 80 are rejected wherein the “television channel is a video on demand channel, and wherein the at least one option includes at least one of . . . placing an order for a program from the video on demand channel” (Matthews, III: Col 9, Lines 26-49; Lawler et al.: Col 14, Lines 16-23; Col 16, Lines 35 – Col 17, Line 5).

Claims 71 and 81 are rejected wherein the “at least one option includes at least one of: recording a current program on the television channel, [and] setting a reminder for a future program on the television channel” (Lawler et al.: Col 13, Line 53 – Col 14, Line 48).

In consideration of claims 88 and 91, “at least one of the . . . option indicator is a generic icon” such as element [138] which generically indicates that the user may ‘order’ a program. The icon is considered generic’ in so far as the same icon is utilized to indicate to the user that programs can be ordered in numerous screens (Figures 8 and 9).

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3. Claims 72-75 and 82-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al. (US Pub No. 2002/0026638 A1), in view of the "IBM Technical Disclosure Bulletin" (of record), in view of Matthews, III (US Pat No. 5,815,145), in view of Matthews, III et al. (US Pat No. 6,025,837), and in further view of Goldschmidt Iki et al. (US Pat No. 6,295,646).

In consideration of claims 72 and 82, the combined references are unclear with respect to whether or not "at least one of the cells" such as those corresponding to the television program listings region [101] of Eldering are operable to display Web content "within the cell". In an analogous art pertaining to interactive television applications, the Goldschmidt Iki et al. reference discloses a user interface wherein "at least one of the cells is operable to display Web content within the cell" in addition to cells displaying television content (Figure 6; Col 7, Lines 28-51). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references such that "at least one of the cells is operable to display Web content within the cell" for the purpose of advantageously providing a user interface/programming guide which supports entertainment system data from a variety of sources (Goldschmidt Iki et al.: Col 1, Lines 15-36).

Claims 73 and 83 are rejected wherein "at least one of the cells is associated with a television channel and at least one of the cells is associated with a non-television entity". (Goldschmidt Iki et al.: Col 7, Lines 40-51; Col 8, Line 66 – Col 9, Line 42).

Claims 74 and 84 are rejected wherein the method further comprise "receiving a signal indicating selection of the cell in focus; and if the cell in focus is associated with a

television channel, displaying, in full screen on the display screen, video content being broadcast on the television channel” (Goldschmidt Iki et al.: Col 9, Lines 29-34).

Claims 75 and 85 are rejected wherein the system/method further “allows a user to disassociate a television channel from a cell; and allows a user to associate a television channel with a cell” in accordance with the user establishment of preferred entertainment sources (Goldschmidt Iki et al.: Col 7, Lines 40-46). Alternatively, the system/method “allows a user to disassociate a television channel from a cell; and allows a user to associate a television channel from a cell” in conjunction with the user scrolling through the listing of entries within the interface such that the first displayed cell would be associated a different channel if the user scrolled the listings as illustrated in Figure 6 of Matthews, III.

#### **(10) Response to Argument**

The examiner respectfully disagrees that the rejection be reversed. The Examiner’s Answer only addresses arguments for patentability made by appellant. Any further arguments regarding other elements or limitations not specifically argued that the appellant could have made are not being addressed further for consideration by the panel. Should the panel find that the examiner’s position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the examiner for further explanation prior to the rendering of a decision.<sup>1</sup>

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<sup>1</sup> See 37 CFR 41.50(a)(1) and MPEP 1211.

A. Rejection of Claims 68-68, 76-78, 86, 87, 89, and 90

1. The combination of Eldering and the IBM Bulletin would result in a navigable region highlight wherein no cell highlight appears on the display while the user is navigating the region highlight.

Appellants argue that the rejection should be overturned because the combination of references fails to teach or disclose the claimed feature of “allowing a user to navigate a region highlight to the region, wherein no cell highlight appears on the display while the user is navigating the region highlight. Appellants argue that Eldering cannot possibly show or suggest navigation using any type of highlight and that the IBM Bulletin makes no mention of navigation using the highlight border. Subsequently, appellants argue that at best the combination results in an EPG screen with a highlight border around the frame that has input focus which does not meet the claimed limitation. The examiner respectfully disagrees.

Eldering discloses an Internet based electronic program guide (EPG) that comprises a number of frames in a manner that would be understood by persons of skill in the art of Web page design and implementation (Para. [0040]). Eldering also teaches that a user can navigate within the guide to select different items (Para. [0010]). While it is not explicitly disclosed by Eldering, it is well understood by those skilled in the art that users can navigate within web-pages to select or focus on different objects including frames. For example, frames can be selected using keyboard short-cuts such as Ctrl+Tab or F6. Accordingly, it is the examiner’s opinion that it is not unreasonable to conclude that one skilled in the art would recognize that a user could in fact navigate between regions.



But it is not clear that the ability to navigate within the Eldering web-page based guide includes the usage of a 'focus' as claimed. The IBM Bulletin teaches that frames are commonly used in web pages and that a problem exists in that the user has no feedback to show which frame has input focus. This might result in the user potentially printing a frame that they did not intend on printing. If, as appellant argues, the input focus was fixed then the user would never be able to print the frame they intended since only the originally presented frame could possibly have focus. This would be contrary to the operation of standard web-browsers (ex. Netscape™, Internet Explorer™, etc.) which allow users to navigate and focus on different elements within the web-page. Accordingly, it is the examiner's opinion that it is not unreasonable to conclude that one skilled in the art would recognize that a user could in fact navigate or change their 'input focus' between frames or regions.

The claim language does not require that navigation is made using the highlighting border per se as opposed to allowing a user to navigate a region highlight to the region. For example, a user could merely select or a given region whereby the region highlight moves or is navigated from a previous region to a new one. Taking the references in combination, the EPG of Eldering would allow for the user to navigate items and corresponding frames of interest whereupon a 'navigation border' would be presented to indicate the border had input focus control or had been navigated to. Accordingly, it is the examiner's opinion that one having ordinary skill in the art would recognize that the combination of references reasonably teach the claimed limitation.

2. The motivation to combine the references is adequate.

Appellant argues that the motivation to combine Eldering and the IBM Bulletin is inadequate because it does not address navigation and further does not motivate the usage of this newly added highlight border to navigate between grouped cells. The Eldering reference discloses the usage of web pages with frames. The IBM Bulletin teaches a technique for highlighting frames within a webpage that improves visibility of the frame that has input focus. The IBM Bulletin, thereby, provides an explicit basis for motivating one having ordinary skill in the art to provide the user feedback with respect to the frame / region that has input focus. Subsequently, the reasoning to combine is not only found in the references themselves, but it also applies a known technique (highlighting frames of a web page to indicate input focus<sup>0</sup> to a known device (terminal displaying a web page with frames) ready for improvement to yield predictable results; namely to provide feedback to the user so that they know what frame they are using. This rationale is consistent with the recent Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007). Furthermore, it is respectfully submitted that it is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant.<sup>2</sup>

Appellant further submits that the motivation to combine the Eldering, IBM Bulletin, and the Matthews ('145) reference is too broad and conclusionary to motivate anyone skilled in the art to modify the references and that Matthews ('145) utilizes a different approach that eliminates the need for a region highlight. The examiner respectfully disagrees. As noted in

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<sup>2</sup> See, e.g., *In re Kahn*, 441 F.3d 977, 987, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (motivation question arises in the context of the general problem confronting the inventor rather than the specific problem solved by the invention); *Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc.*, 424 F.3d 1293, 1323, 76 USPQ2d 1662, 1685 (Fed. Cir. 2005) ("One of ordinary skill in the art need not see the identical problem addressed in a prior art reference to be motivated to apply its teachings."); *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972) (discussed below); *In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990), cert. denied, 500 U.S. 904 (1991)

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the grounds of rejection, the Eldering EPG provides an area for program listings [101] (Figure 1). Taken in combination with the IBM Bulletin, a 'region highlight' appears around the region that has input focus. The combination of references, however, does not go into any details as to the presentation nature this region of program listings such that it "provides at least two cells" associated with programs. Simply put, a 'region highlight' is presented indicating to the user which region of the EPG has the input focus, but at this point there is nothing to indicate which item (if any) within the region has focus.

The Matthews, III ('145) reference teaches that it is known in the art to present program listings comprising "at least two cells" in which a "cell highlight" [108] is provided to indicate to the user which item in particular has focus (Col 5, Lines 6-15). As set forth in Matthews, III ('145), the particular presentation method is considered to be an improvement over prior art techniques of presenting program listings (Col 1, Line 61 – Col 2, Line 3; Col 2, Lines 33-39). While summarized by Matthews, III ('145) in a broad statement, one would be amiss to dismiss the statement as being 'too broad' given that the statement captures the thrust of the Matthews, III ('145) invention. It is an improvement over prior art program listing presentation techniques. Matthews, III ('145), therefore, provides an explicit basis for motivating one to use its graphical based program listings in the program listing area [101] of Eldering as opposed to other prior art display techniques. The reasoning to combine applies a known technique (graphical based program guide listings) to a known device (program guide listings) ready for improvement to yield predictable results; namely to employ video images along with feedback to indicate which program listings have been selected. This rational is consistent with the recent Supreme Court Decision in KSR International Co. v.

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Teleflex Inc., 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007). Accordingly, the examiner submits that there is sufficient motivation to combine the references.

Regarding appellant's further arguments regarding the reference teaching away from the combination since Matthews, III ('145) already provides a solution for navigation, the examiner respectfully disagrees. The combination of Eldering and the IBM Bulletin provide an EPG that comprises several regions. The teachings of Matthews, III ('145) are limited to only one region of Eldering (program listings). The proposed combination is merely providing an alternative/supplemental method of traversing items within a given frame comprising program listings as opposed to other types of EPG items found in Eldering (ex. advertisements). The combination of Eldering and the IBM Bulletin provides a 'region highlight' that indicates to the user which region of the EPG has the input focus, but at this point there is nothing to indicate which item (if any) within the region has focus. Applying the program listing teachings of Matthews, III ('145) to the program listing region of Eldering, provides a means to illustrate which particular item with a given region (if any) have been selected and are in focus. A 'region highlight' is thereby still useful for knowing which region (including those other than the program listings) has been selected. Accordingly, the need for a region highlight is not necessarily eliminated by the modification and the references are not believed to teach away, as opposed to supplementing one another.

B. Rejection of Claims 69-71, 79-81, 88, and 91

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Appellant's sole argument for the patentability of claims 69-71, 79-81, 88, and 91 is that the claims include all of the limitations of their respective independent claims. The examiner respectfully disagrees that these claims are allowable for the reasoning set forth above.

C. Rejection of Claims 72-75 and 82-85

Appellant's sole argument for the patentability of claims 72-75 and 82-85 is that the claims include all of the limitations of their respective independent claims. The examiner respectfully disagrees that these claims are allowable for the reasoning set forth above.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

SEB



January 16, 2008

Conferees:

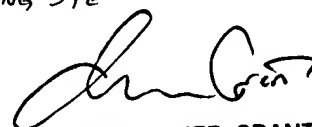
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